

## REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 2-5, 7, 9, 11, 13, 15, and 21-22 are currently pending. Claims 2 and 4 are independent and are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### II. REJECTIONS UNDER 35 U.S.C. §102

Claims 2-5, 7, 9, 11, 13, 15, and 20-22 were rejected under 35 U.S.C. §102 as allegedly anticipated by U.S. Patent No. 6,868,164 to Ito et al. (hereinafter, merely “Ito”).

Applicants respectfully traverse this rejection.

Independent claim 2 recites, *inter alia*:

“a belt in which the second part of said cord is inserted, said belt having a first end and a second end, the second part of the cord with the belt surrounding is thicker than the first part and the third part of the cord;

...  
wherein the thickened second part of the cord is a slip stopper to inhibit the headphones from slipping off a user when hung around the user’s neck, and the thicker second part reduces the weight which the user feels on the user’s neck.” (emphasis added).

Claim 2 recites, *inter alia*, “the second part of the cord with the belt surrounding is thicker than the first part and the third part of the cord . . . thickened second part of the cord is a slip stopper to inhibit the headphones from slipping off a user when hung around the user’s neck, and the thicker second part reduces the weight which the user feels on the user’s neck.” That is, in an aspect of the present invention, the second (middle) part of the cord is inserted in the belt and is, therefore, covered by the belt. The first and second parts of the cord extend beyond the belt and are exposed. The second portion of the cord with the belt surrounding is thicker than either the first or second portions.

The “belt forming the strap portion in the middle part of the cord functions as a slip stopper, so that the headphones will not slip off if hung around the neck, and with increasing the thickness of the middle part of this cord, the area of a part which touches the neck increases and weight which a user feels on his/her neck can be reduced to some extent.” Publ. App. par. [0012] and FIGS. 7-10; *see, also*, Publ. app. pars. [0014], [0019], [0020], and [0060].

Moreover, Claim 2 is representative and recites, *inter alia*:

“a first end member, separate from and not attached to the left driver unit and separate from and not attached to the right driver unit, fixing said first part of the cord to said belt in which said first end member is provided at the first end of said belt;

...

a second end member, separate from and not attached to the left driver unit and separate from and not attached to the right driver unit, fixing said third part of the cord to said belt.” (emphases added)

Because the cord and cylindrical belt are fixed by the respective first and second end members, the cylindrical belt is prevented from sliding on the cord even though the first and second portions of the cord are exposed from the belt after the end members. Further the

cylindrical belt forming the strap portion in the middle part of the cord, as discussed above, functions as a slip stopper, so the headphones are inhibited from slipping off when hung around the neck of a user, and with increasing the thickness of the middle part (strap) portion of the cord, the area of strap portion that touches the neck is increased and weight that a user feels on his/her neck feels reduced.

The present application is distinguished from *Ito*. According to *Ito*, when a fixing member is merely inserted into an end of the tube, the end of the tube becomes held between the fixing member and the through-hole, so that even when a pulling force acts upon the tube, the end of the tube does not come out of the case. As a result, exposure of the band that is covered by the tube can be prevented, which improves the appearance of the headphone apparatus and seeks to prevent problems such as a break in the cord that is caused by the end of the tube coming out of the case. As discussed in *Ito*:

“Since the tube 131 is sandwiched by the inside of the through-hole 203, the end 131a of the tube 131 no longer comes out of the through-hole 203 in the connecting member 200, even if the tube 131 is pulled out from the outside of the through-hole 203, for example. Accordingly, the band 133 and the cord 170 that are covered by the tube 131 do not become exposed, which improves the appearance of the headphone apparatus. This also solves the problem of a break in the cord 170 due to the end 131a of the tube 131 coming out of the connecting member 200.”

*Ito*, Col. 7, lines 1-10 and FIG. 9.

In contrast, in the present invention the first and third portions of the cord are exposed outside of the belt that affixes the belt to the second part of the cord. Thus, it is the second part of the cord, covered by the belt and fixed in place by the first and second end pieces, that is protected.

For any and all of the above reasons, claim 2 is believed patentable over Ito.

Independent claim 4 is believed patentable for substantially the same reasons as discussed above for claim 2.

### **III. DEPENDENT CLAIMS**

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### **CONCLUSION**

Claims 2-5, 7, 9, 11, 13, 15, and 20-22 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By: 

Paul A. Levy  
Reg. No. 45,748  
(212) 588-0800